



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-6**  
**AGENDA DATE: Thu 03/10/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-05-0008 - Franks 15601 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 15601 North Interstate Highway 35 Service Road North Bound (Gilleland Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) district zoning. Applicant: Q. J. Franks. Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

**REQUESTING**            Neighborhood Planning    **DIRECTOR'S**  
**DEPARTMENT:**        and Zoning                            **AUTHORIZATION:** Greg Guernsey

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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0008

**Z.A.P. DATE:** February 15, 2005

**ADDRESS:** 15601 N. Interstate-35 Service Road North Bound

**OWNER/APPLICANT:** Q. J. Franks

**AGENT:** Bennett Consulting (Jim Bennett)

**ZONING FROM:** SF-2

**TO:** CS\*

**AREA:** 0.689 acres

\*Amended to CS-CO: The agent for the case has requested to prohibit Adult Oriented uses on the site.

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day and would prohibit Adult Oriented uses.

In addition, the staff recommends that the applicant reserve 200-feet of right-of-way from the existing centerline of IH 35 in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

2/15/05: Approved staff's recommendation of CS-CO on consent with additional condition to prohibit Pawn Shop Services (8-0, K. Jackson-absent); J. Martinez-1<sup>st</sup>, J. Gohil-2<sup>nd</sup>.

**DEPARTMENT COMMENTS:**

The property in question currently developed with a small, vacant warehouse structure. The applicant is requesting a rezoning of the site to bring the existing development on the property into conformance with the Land Development Code regulations. The staff recommends CS-CO, General Commercial Services-Conditional Overlay District, zoning for the property because it is located on a major arterial roadway and meets the purpose statement for the CS district. The site is surrounded by existing commercial and industrial uses to the north, south, east and west. There is CS zoning to the north and LI and LI-CO zoning to the northeast of the property.

The applicant agrees with the Zoning and Platting Commission's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Warehouse
<i>North</i>	CS	Construction Sales and Services (KGM Construction Company, Big Tex Air Conditioning and Heating Repair)
<i>South</i>	SF-2	Office/Warehouse (Austin Car Protection, Home Elevator of Texas, Compulink, Inc.), Industrial (Propane Sales) Equipment Sales (Action Lift)
<i>East</i>	LI-CO, SF-2	Construction Sales and Services (CalPly Contractors, Sheet Metal Shop)

<i>West</i>	County	Warehouse, Retail Sales (Manufactured Home Sales, Play Scape Sales)
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**AREA STUDY:** N/A

**TIA:** Waived

**WATERSHED:** Gilleland Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:** N/A

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-03-0159	SF-2 to LI	11/18/03: Approved the staff's alternate rec. of LI-CO, with an additional condition prohibiting Adult Oriented Businesses (9-0)	1/8/04: Granted LI-CO (7-0); all 3 readings
C14-03-0101	I-RR to CS	8/12/03: Approved staff's alternate recommendation of CS-CO zoning, w/ condition of no Adult Oriented Businesses (8-0, J. Cortez-left early)	10/23/03: Approved CS-CO (6-0); all 3 readings
C14-03-0083	I-RR to CS	6/24/03: Approved staff's rec. of CS-CO zoning; by consent (7-0, J. Cortez-Not yet arrived, J. Donisi-absent)	7/31/03: Approved CS-CO (7-0); all 3 readings
C14-01-0132	I-RR to GR	11/13/01: To approve staff's recommendation of GR-CO zoning, with a condition to limit development to no more than 2 story buildings for a depth of 100' from Pecan Street (F.M. 1825). (8-0, J. Martinez- absent)	12/13/01: Approved GR-CO on consent (7-0).  1/17/02: Approved (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-00-2226	SF-2 to LI	12/19/00: Approved staff alternate rec. of LI-CO by consent (6-0)- Prohibiting Adult Oriented Businesses, 2,000 vehicle trips per day limit	1/8/01: Approved LI-CO w/conditions (6-0); 1 <sup>st</sup> reading  7/19/01: Approved LI-CO with conditions (6-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-00-2185	SF-2 to LI	10/24/00: Approved staff alternate rec. of LI-CO (9-0) w/ conditions- Prohibiting Pawn Shop Services/ Adult Oriented Businesses	11/30/00: Approved LI-CO (7-0); 1 <sup>st</sup> reading  5/24/01: Approved LI-CO (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-0084	SF-2 to CS-CO	6/22/99: Approved staff alternate rec. of LI-CO (6-0)-	7/22/99: Approved PC rec. of LI-CO w/ conditions (7-0); 1 <sup>st</sup> reading

		2,000 vehicle trips per day limit	4/20/00: Approved LI-CO (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-99-0054	LI to CS-CO	5/25/99: Denied CS-CO (6-0-1, RR-abstain)	7/29/99: Approved staff recommendation of CS-CO w/ conditions (7-0); 1 <sup>st</sup> reading  11/18/99: Denied CS-CO (5-2, BG/WL-Nay); valid petition filed, lack of super majority
C14-99-0031	SF-2 to LI	3/23/99: Approved staff alternate rec. of LI-CO (9-0)	5/6/99: Approved P/C recommendation of LI-CO (9-0); all 3 readings
C14-94-0063	SF-2 to CS	6/28/94: Approved LI (7-0)	7/28/94: Approved LI, as amended (7-0); all 3 readings

**RELATED CASES:** C7A-83-011 (Annexation September 13, 1984)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
IH 35	300'	Varies	Freeway	No	No	No

**CITY COUNCIL DATE:** March 10, 2005

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Gager

**PHONE:** 974-3057,  
[sherri.gager@ci.austin.tx.us](mailto:sherri.gager@ci.austin.tx.us)



## **STAFF RECOMMENDATION**

The staff's recommendation is to grant CS-CO (General Commercial Services-Conditional Overlay) zoning district. The conditional overlay would limit the development intensity for the entire site to less than 2,000 vehicle trips per day and would prohibit Adult Oriented uses.

In addition, the staff recommends that the applicant reserve 200-feet of right-of-way from the existing centerline of IH 35 in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The CS zoning district is intended for commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

2. *The proposed zoning should promote consistency, and orderly planning.*

The property is adjacent to existing commercial and industrial uses to the north, south, and east. There is CS, General Commercial district, zoning to the north of the site and L/LI-CO, Limited Industrial District zoning to the northeast of the site.

3. *The proposed zoning should allow for a reasonable use of the property.*

The CS zoning district would allow for a fair and reasonable use of the site. The proposed zoning would bring the current use into compliance with the City of Austin Land Development Code regulations.

CS zoning is appropriate for this location because of the commercial and industrial character of the area.

The property in question fronts onto a major arterial roadway, Interstate Highway-35 North.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a small warehouse structure. There are industrial uses to the south (Propane Sales and Action Lift Equipment Sales) and construction sales and services uses (KGM Construction Company and Big Tex Air Conditioning and Heating Repair) to the north of the property in question. The property has frontage on the Northbound Service Road for Interstate Highway-35.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

**Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

**Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

**Transportation**

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the existing centerline of IH 35 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]

The trip generation under the requested zoning is estimated to be 4,874 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

**Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bus Route</b>	<b>Bike Route</b>
IH 35	300'	Varies	Freeway	No	No	No

Grand Street currently is not constructed adjacent to this property.

**Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

**Water and Wastewater**

The landowner intends to serve the site with water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or offsite main extension, or utility relocation, or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City utility design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards:

The site is subject to compatibility standards. Along the east and south property line, the following standards apply:

- No structure may be built within 24 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking is allowed within 20 feet of the property.
- No driveways are allowed within 15 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.





- 10. Rezoning:** C14-05-0006 - Hutto Place, L.P.  
**Location:** Lakeline Mall and U.S. 183 North, Lake Creek Watershed  
**Owner/Applicant:** Hutto Place, L.P. (Thomas J. Wolfe, Jr.)  
**Agent:** Thrower Design (Ron Thrower)  
**Request:** GR to CH  
**Staff Rec.:** ALTERNATE RECOMMENDATION: CS-1-CO  
**Staff:** Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning

**APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO WITH ADDED CONDITIONS OF: PROHIBITING ADULT ORIENTED BUSINESSES; LIMIT SIZE OF BUILDING FOR LIQUOR SALES TO 12,000 SQUARE FEET, PROHIBIT PAWNSHOPS, PROHIBIT COMMERCIAL BLOOD/PLASMA CENTERS, PROHIBIT EXTERMINATING SERVICES, PROHIBIT ON-SITE CONSUMPTION; BY CONSENT.**  
**[J.M; J.G 2<sup>ND</sup>] (8-0) K.J - ABSENT**

- 11. Rezoning:** C14-05-0007 - Rafael Montes De Oca  
**Location:** 15200 F.M. 1825 Road, Harris Branch Watershed  
**Owner/Applicant:** Rafael Montes De Oca  
**Agent:** Tommy Schmoker  
**Request:** SF-2 to CS  
**Staff Rec.:** ALTERNATE RECOMMENDATION: CS-CO  
**Staff:** Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning

**APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING WITH ADDITIONAL CONDITIONS TO ALLOW CS DISTRICT DEVELOPMENT STANDARDS AND GR DISTRICT USES.**  
**[M.W; J.M 2<sup>ND</sup>] (8-0) K.J - ABSENT**

- 12. Rezoning:** C14-05-0008 - Franks 15601  
**Location:** 15601 IH-35 Service Road North Bound, Gilleland Creek Watershed  
**Owner/Applicant:** Q. J. Franks  
**Agent:** Bennett Consulting (Jim Bennett)  
**Request:** SF-2 to CS  
**Staff Rec.:** ALTERNATE RECOMMENDATION: CS-CO  
**Staff:** Sherri Sirwaitis, 974-3057, sherri.gager@ci.austin.tx.us  
 Neighborhood Planning and Zoning

**APPROVED STAFF'S RECOMMENDATION OF CS-CO WITH THE ADDED CONDITION TO PROHIBIT PAWN SHOPS.**  
**[J.M; J.G 2<sup>ND</sup>] (8-0) K.J - ABSENT**

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 15601 NORTH IH-35, NORTHBOUND SERVICE  
3 ROAD FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2)  
4 DISTRICT TO GENERAL COMMERCIAL SERVICES-CONDITIONAL  
5 OVERLAY (CS-CO) COMBINING DISTRICT.  
6

7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

8  
9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
10 change the base district from single family residence standard lot (SF-2) district to general  
11 commercial services-conditional overlay (CS-CO) combining district on the property  
12 described in Zoning Case No. C14-05-0008, on file at the Neighborhood Planning and  
13 Zoning Department, as follows:  
14

15 Lot 3, Block C, Three Points Acres Section 1 Subdivision, a subdivision in the City  
16 of Austin, Travis County, Texas, according to the map or plat of record in Plat  
17 Book 7, Page 173, of the Plat Records of Travis County, Texas, (the "Property")  
18

19 locally known as 15601 North IH-35, northbound service road, in the City of Austin,  
20 Travis County, Texas; and generally identified in the map attached as Exhibit "A".  
21

22 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
23 established by this ordinance is subject to the following conditions:  
24

- 25 1. A site plan or building permit for the Property may not be approved, released, or  
26 issued, if the completed development or uses of the Property, considered cumulatively  
27 with all existing or previously authorized development and uses, generate traffic that  
28 exceeds 2,000 trips per day.  
29
- 30 2. The following uses are prohibited uses of the Property:

31  
32 Adult-oriented businesses

32 Pawn shop services  
33

34 Except as specifically restricted under this ordinance, the Property may be developed and  
35 used in accordance with the regulations established for the general commercial services  
36 (CS) base district and other applicable requirements of the City Code.  
37

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2005.

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3  
4 **PASSED AND APPROVED**

5  
6  
7  
8 \_\_\_\_\_, 2005

§  
§  
§

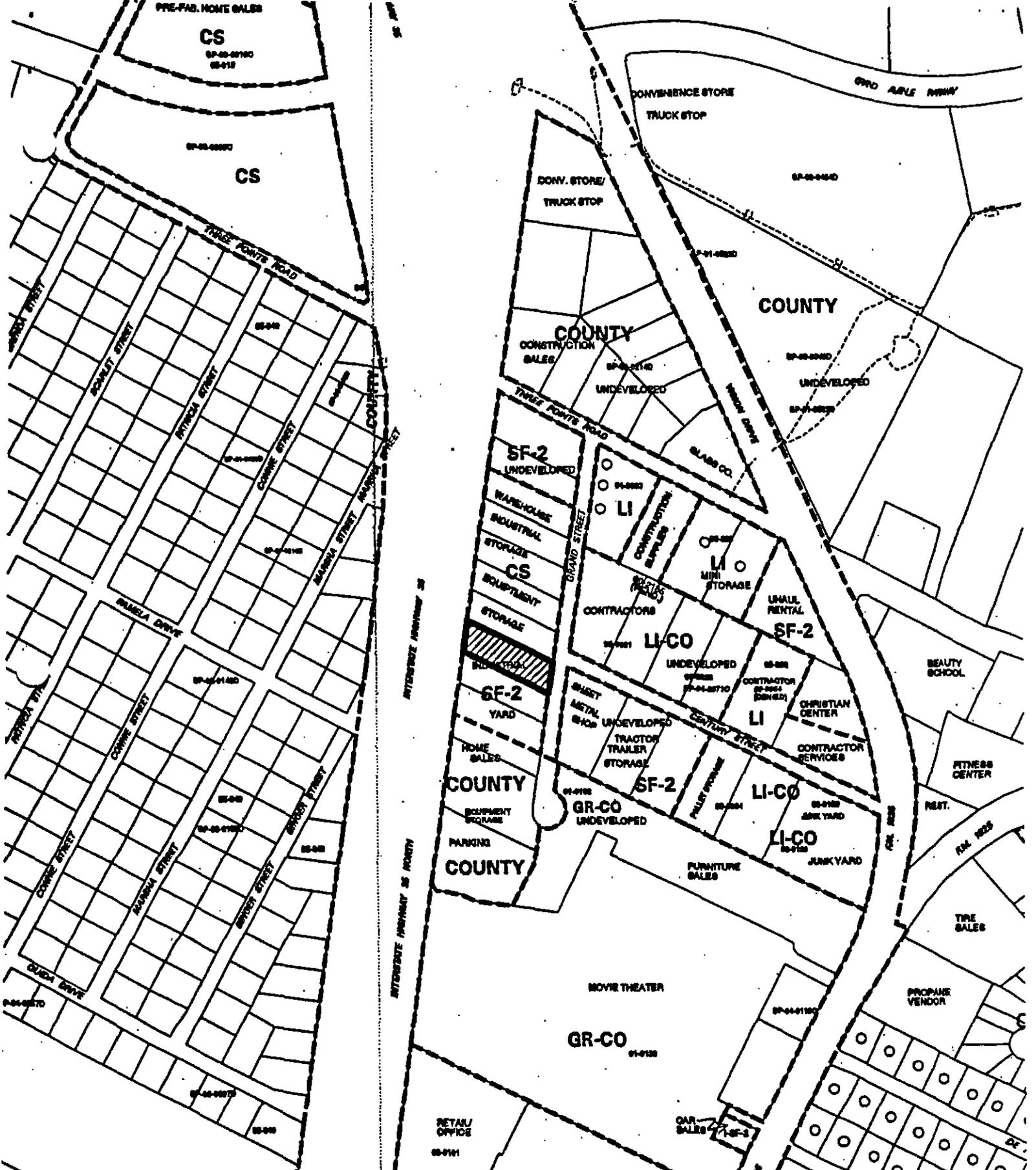
9 Will Wynn  
10 Mayor

11  
12  
13 **APPROVED:**

14 David Allan Smith  
15 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk




 SUBJECT TRACT   
 PENDING CASE   
 ZONING BOUNDARY   
 CASE MGR: S. GAGER

**ZONING EXHIBIT A**  
**CASE #: C14-05-0008**  
**ADDRESS: 15601 N I 35 SVC RD NB**  
**SUBJECT AREA (acres): 0.689**

DATE: 05-01  
 INTLS: SM

**CITY GRID REFERENCE NUMBER**  
**N38**

1" = 400'